

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA

FILED

OCT - 5 2012

JULIA C. DUDLEY, CLERK  
BY: *M. Stepp*  
DEPUTY CLERK

ROQUE ESCOBAR-HERNANDEZ,  
Plaintiff,

v.

MR. ZYCH, et al.,  
Defendant(s).

Civil Action No. 7:12-cv-00435

MEMORANDUM OPINION

By: Jackson L. Kiser  
Senior United States District Judge

ROQUE ESCOBAR-HERNANDEZ, proceeding pro se, filed a civil rights complaint, pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). By Order entered September 13, 2012, the court directed plaintiff to comply within ten (10) days from the date of the Order conditions. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than eighteen (18) days have elapsed, and plaintiff has failed to comply with the described conditions set forth in Order. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 5<sup>th</sup> day of October, 2012.

*Jackson L. Kiser*  
Senior United States District Judge